

REMARKS

Status Summary

Claims 1-40 are pending in the present application, of which claims 1, 10, 23, and 34-35 are presented in independent form. Claims 1-40 are rejected. Claims 1-10, 12-15, 17-19, and 23-35 are amended and claim 11 is canceled without prejudice or disclaimer by this paper.

Prior Matter Related to the Drawings

In the Office Action mailed February 24, 2004, the Examiner objected to FIG. 5 for including unlabeled circles/buttons. In the Response filed May 24, 2004, Applicant amended FIG. 5 to include descriptive labels as requested by the Examiner. The Examiner's subsequent responses in this matter have not acknowledged acceptance of the drawing change by the Office, and Applicant respectfully requests that the Examiner provide such indication of acceptance by the Office at an early date.

Claim Rejection(s) - 35 U.S.C. § 102

Claims 1-5, 10-17, 23-26, and 34-40 stand rejected as being anticipated by U.S. Patent No. 6,650,831 to Thompson. Applicant respectfully disagrees, and requests that the Examiner reconsider her position for the following reasons.

- I. THOMPSON DOES NOT DESCRIBE PROVIDING SOFTWARE FOR ENTITY-SPECIFIC NETWORK-ENABLED IMAGE CAPTURE DEVICES, INCLUDING A TCP-IP PROTOCOL STACK THAT ENABLES COMMUNICATION BETWEEN THE ENTITY-SPECIFIC NETWORK-ENABLED IMAGE CAPTURE DEVICES AND THE ONLINE PHOTO-SHARING SERVICE VIA AN INTERNET CONNECTION, THAT CAUSES THE ENTITY-SPECIFIC NETWORK-ENABLED IMAGE CAPTURE DEVICES TO TRANSMIT ENTITY ID INFORMATION WHEN THE NETWORK-ENABLED IMAGE CAPTURE DEVICES TRANSMIT IMAGES TO THE PHOTO-SHARING SERVICE OVER THE INTERNET CONNECTION.

In the Advisory Action mailed October 16, 2006, the Examiner stated that:

The claim[s] as written [do] not exclude a computer connected to the camera in order to connect to the Network and [do] not convey how the image capture device transmits images to the service. Specifically, because the claim language contains "comprising" it can be assumed that more elements can be within the claim[s]. Further, the claim language does not specify how (i.e. wireless; cable) the connection to the network is made. The claim languages states "image capture devices connect to the photo-sharing service via the "network", this language does not exclude a computer or any other type of device that is connected to the camera in order to connect to [the] "network". A[n] image capture device can still transmit images to a service through a computer.

To address the Examiner's concern, Applicant has amended the claims to make more clear that the recited photo-sharing service receives images and entity-specific ID information from the recited images capture devices over an Internet connection. In particular, claim 1 now recites, among other things, the feature of:

providing software for the entity-specific network-enabled image capture devices, including a TCP-IP protocol stack that enables communication between the entity-specific network-enabled image capture devices and the online photo-sharing service via an Internet connection, that causes the entity-specific network-enabled image capture devices to transmit entity ID information when the network-enabled image capture devices transmit images to the photo-sharing service over the Internet connection (emphasis added).

Support for the amendment can be found on page 11, lines 2-3, of the original specification, that describes "The camera 14 also includes communication manager 74 software, and a TCP-IP protocol stack 76, that enables communication via the internet," and on page 8, lines 3-5, that describes "each of the cameras 14 is provided with wireless connectivity for connecting to the Internet, and are therefore so called "web-enabled" devices, although a wired connection method may also be used." Thus, in response to the Examiner's statement that the claim language does not specify how the connection to the network is made, Applicant contends that claim 1 now makes clear that the camera is a network-enabled (e.g., web-enabled) device that communicates with the online photo-sharing service using a TCP/IP connection via the Internet. The digital camera described in Thompson does not disclose these feature.

For example, persons of ordinary skill in the art would understand that, at the time of conception of Applicant's invention, a digital camera connected to PC, such as Thompson's digital camera, was typically connected to a serial or parallel bus of the PC via a corresponding serial or parallel port, much like other PC peripheral devices, such as a keyboard, mouse, or a monitor/display. It is commonly understood that such PC peripheral devices are not connected to the Internet, and thus are not network-enabled devices, notwithstanding the PC itself may be connected to the Internet. Indeed, Thompson refers to the camera in the above-cited portion of the document as a "storage media," further exemplifying that the camera is connected to the PC merely as a peripheral storage device, and thus neither is connected to the network nor transmits information over the network. Consequently, persons of ordinary skill in the art would understand the claim 1, as amended, does not read on the conventional arrangement described in Thompson.

In addition, Thompson describes at column 7, lines 27-36, that to electronically transmit photographic images to an image hosting service provider:

the photographer can employ a "client" program running on, for example, a personal computer connected to the network. The client program is programmed to read the photographic image data recorded on the storage media, and to read the network access information associated with the storage media, and is programmed to transmit such information to the image hosting service provider.

Thompson also describes at column 9, lines 26-34, that the photographer can use a program running on a PC, not the digital camera, connected to the network to transmit images to the image hosting service provider. The requirement of providing a PC employing a "client" program for connecting to the network to electronically transmit photographic images is further evidence that Thompson's digital camera is not a network-enabled device having a TCP-IP protocol stack that enables communication between entity-specific network-enabled image capture devices and an online photo-sharing service via an Internet connection, as claim 1 requires.

Accordingly, claim 1 and its dependent claims are believed to be novel in view of Thompson because the cited document does not describe providing software for the entity-specific network-enabled image capture devices that causes the entity-specific image

capture devices to transmit entity id information when the image capture devices transmit images to the photo-sharing service over a network. Moreover, independent claims 10, 23, 34, and 35, recite subject matter substantially similar to claim 1 in this regard, and thus are considered allowable over Thompson, together with their respective dependent claims, for these same reasons.

II. THOMPSON DOES NOT DESCRIBE AN ONLINE PHOTO-SHARING SERVICE CAPABLE OF PROVIDING ACCESS TO RESPECTIVE ENTITY-SPECIFIC PHOTO-SHARING WEBSITES FOR EACH OF A PLURALITY OF ENTITIES THAT CONTROL A SET OF NETWORK-ENABLED ENTITY-SPECIFIC IMAGE CAPTURE DEVICES.

Claim 1 also recites, among other things, "providing an online photo-sharing service capable of providing access to the respective entity-specific photo-sharing websites for each of the entities." As recited in the claim preamble, the entity-specific photo-sharing websites correspond to a plurality of entities, each of which control a set of network-enabled entity-specific image capture devices. In the Advisory Action mailed October 16, 2006, the Examiner maintains her argument that Thompson describes these features in column 2, lines 24-65 and in column 6, lines 55-65, but Applicant again respectfully disagrees with the Examiner's conclusions.

As shown in FIG. 5 and described in the paragraph bridging pages 5 and 6 of the originally filed application, an exemplary embodiment of the online photo-sharing service recited in claim 1 (element 16) includes a gateway server 18 and an entity/account database 20. Applicant further describes that various camera controlling entities 12 contract with the photo-sharing service 16 to transparently host customized photo-sharing websites 22 for each entity, which are referred to herein as entity-specific photo-sharing websites 22. Accordingly, claim 1 defines (and the specification supports) a method in which an online photo-sharing service provides access to a plurality of websites for a corresponding plurality of entities which control a set of network-enabled entity-specific image capture devices.

In relying on the portion of Thompson described in column 2, lines 12-43, the Examiner apparently maintains her argument that Thompson teaches users (plurality of

entities) controlling digital cameras (entity-specific image capture devices) that are able to download their photo's taken to a online photo-sharing service (See abstract; column 2, lines 12-43)." Accordingly, the Examiner apparently asserts that the term "entities" in claim 1 reads on the users of the digital camera described in Thompson.

Although Applicant describes that users of image capture devices can be "entities" within the scope of claim 1, the claim nevertheless requires that such users have an entity-specific website to which access is provided via the online photo-sharing service. Thompson's conventional image hosting service provider 10 does not provide access to a website for the user, as claim 1 requires, but instead provides an area within the provider's 10 website (e.g., a webpage) for the user to upload pictures to.

For example, Thompson describes in the paragraph bridging columns 6 and 7 (the portion of Thompson relied on by the Examiner in rejecting the claims) that:

photographs hosted by an image hosting service provider 10 at the domain <www.camerali.com>, which were taken with a camera having a serial number of 1200 could have the partial network location of <www.camerali.com/1200>. The image number can then be added to the base network location to complete the address. Thus, the first such image (image 0001) could have the address/file name <www.camerali.com/1200-0001.jpg>

In the above-cited portion of Thompson, the domain "<www.camerali.com>" identifies the website for the image hosting service provider 10, the number "1200" represents the serial number of a camera authorized to use the website, and the identifier "0001.jpg" represents the filename of an image file taken by the camera having the serial number "1200." The address/filename "<www.camerali.com/1200-0001.jpg>" corresponds to a webpage on the website "<www.camerali.com>" for accessing the image "0001.jpg.," not a website as claim 1 requires.

Should a second camera, perhaps having a serial number "1300" and controlled by a different entity than the camera having the serial number "1200" described above, be authorized to use Thompson's website, then an image, say "0002.jpg," taken by this second camera would have a page, "<www.camerali.com/1300-0002.jpg>," on the same website (i.e., "<www.camerali.com>") as the camera having the serial number 1200 for accessing

the image "0002.jpg." This would occur, despite the fact that the cameras having the serial numbers "1200" and "1300" have different controlling entities.

In contrast, the subject matter defined by claim 1 of this application provides that when a plurality of image capture devices having different controlling entities connect to the single photo-sharing service via the network, the photo-sharing service uses an entity ID received from the image capture devices to provide access to respective websites for the different controlling entities—not merely access to different webpages that exist within the common website of the online photo-sharing service as Thompson describes.

In the Advisory Action mailed October 16, 2006, the Examiner recites the well-understood canon of claim construction that, although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims, in supporting her conclusion that Thompson anticipates the claims. While Applicant certainly acknowledges this canon of construction, Applicant respectfully asserts that the claims explicitly recite limitations that distinguish the claimed subject matter over that described in Thompson.

For example, the claims clearly recite, among other things, "an online photo-sharing service capable of providing access to respective entity-specific photo-sharing websites for each of a plurality of entities that control a set of network-enabled entity-specific image capture devices" (emphasis added). Thompson does not describe an online photo-sharing service that provides access to a plurality of websites, each website corresponding to an entity controlling a set of network-enabled entity-specific images capture devices. In contrast, Thompson describes, at most, providing access to a plurality of webpages within a single website. Persons skilled in the art at the time of the invention would understand the distinctions between a plurality of website (as recited in claim 1) and a plurality of webpages (as described in Thompson) without further amendments to the claims. As such, limitations from the specification need not be read into the claim to distinguish the claimed subject matter from the teachings of Thompson as the Examiner asserts.

Accordingly, claim 1 and its dependent claims are believed to be novel in view of Thompson for these reasons as well. Moreover, independent claims 10, 23, 34, and 35,

recite subject matter substantially similar to claim 1 in this regard, and thus are considered allowable over Thompson, together with their respective dependent claims, for these same reasons.

Notwithstanding the above, claims 37, 38, and 40 are believed to recite additional limitations that are not described by Thompson. For example, claim 37 recites that "the entity specific photo-sharing websites are hosted outside of the photo-sharing service;" claim 38 recites that "the online photo-sharing service is capable of accessing a server and a database outside of the photo-sharing service for hosting the respective websites," and claim 40 similarly recites that "the database storing the entity-specific websites is arranged outside the photo-sharing service." Further to Applicant's argument above that Thompson describes, at most, a service providing access to a plurality of webpages within a single website, rather than a service providing access to a plurality of websites, each website corresponding to an entity controlling a set of network-enabled entity-specific images capture devices, Thompson does not describe that its webpages, e.g. "<www.camerali.com/1200-0001.jpg>," much less a website, are hosted outside of its photo sharing service site "<www.camerali.com>," as claim 37 requires. Thompson also does not describe a server and a database outside of the photo-sharing service for hosting the respective websites. Thompson describes an arrangement having only a single server for receiving uploaded images. In contrast, claim 38 defines that separate servers (separate from the gateway server 18) can be arranged outside of the photo-sharing service for hosting respective entity-specific websites. Claim 40 further defines that the database for storing the entity-specific websites can be arranged outside the photo-sharing service. Accordingly, these claims are believed to be novel in view of Thompson for these reasons as well.

Claim Rejection(s) - 35 U.S.C. § 103

Claims 6-9, 18-22, and 27-30 stand rejected as being unpatentable over Thompson in view of U.S. Patent No. 6,017,157 to Garfinkle et al. ("Garfinkle"). In addition, claims 31-33 stand rejected as being unpatentable over Thompson in view of U.S. Patent No.

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6,035,323 to Narayen et al. ("Narayen").

Applicant contends that neither Garfinkle nor Narayen cure any of the defects of Thompson with regard to the absent features identified above, and believes that these claims are allowable for at least the same reasons as their respective base claims.

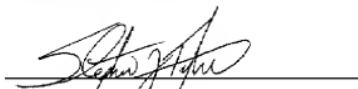
CONCLUSION

In view of the above, it is respectfully submitted that the present application is in proper condition for allowance, and an early notice to such effect is earnestly solicited. The Commissioner is hereby authorized to charge any additional fees, or credit any overpayment, associated with the filing of this paper to Deposit Account No. **50-3512**.

Respectfully submitted,

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